

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DYAMONE WHITE; DERRICK  
SIMMONS; TY PINKINS;  
CONSTANCE OLIVIA SLAUGHTER  
HARVEY-BURWELL**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:22-cv-00062-SA-JMV**

**STATE BOARD OF ELECTION  
COMMISSIONERS; TATE REEVES  
*in his official capacity as Governor of  
Mississippi; LYNN FITCH in her  
official capacity as Attorney General of  
Mississippi; MICHAEL WATSON in  
his official capacity as Secretary of  
State of Mississippi***

**DEFENDANTS**

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**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR JUDICIAL NOTICE**

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Defendants State Board of Election Commissioners, Tate Reeves, in his official capacity as Governor of Mississippi, Lynn Fitch, in her official capacity as Attorney General of Mississippi, and Michael Watson, in his official capacity as Secretary of State of Mississippi (hereinafter collectively “Defendants”), by and through counsel, file this their response to *Plaintiff’s Motion for Judicial Notice* [Dkt. #258], and in support thereof would show unto the Court the following:

1. Consistent with the governing standard of inquiry in this Section 2 Voting Rights Act case, the Court should take judicial notice of the entirety of the 2024 Mississippi Supreme Court Central District General Election results—not just the vote counts for Kitchens and Branning as requested by Plaintiffs. Viewed in their entirety, the 2024 Central District election results do not support a violation of Section 2. To the contrary, they reaffirm that black voters in the Central

District have an equal opportunity to participate in the political process and elect Supreme Court Justices of their choice.

2. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of Defendants' Response to Plaintiffs' Motion for Judicial Notice*, being filed contemporaneously herewith.

3. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, the Court should take judicial notice of the entirety of the 2024 Central District General Election results; reject any notion that the 2024 Supreme Court elections are probative of any Section 2 violation; and proceed to enter judgment for Defendants.

**WHEREFORE, PREMISES CONSIDERED**, Defendants respectfully request that the Court make and enter its Order taking judicial notice of the entirety of the 2024 Central District General Election results—*viz.*, the names, vote totals, and vote percentages of all five candidates [Dkt. #258-1 at 3]—in addition to those facts sought to be judicially noticed by Plaintiffs.

THIS the 23rd day of January, 2025.

Respectfully submitted,

STATE BOARD OF ELECTION  
COMMISSIONERS, TATE REEVES, IN HIS  
OFFICIAL CAPACITY AS GOVERNOR OF  
MISSISSIPPI, LYNN FITCH, IN HER OFFICIAL  
CAPACITY AS ATTORNEY GENERAL OF  
MISSISSIPPI, AND MICHAEL WATSON, IN HIS  
OFFICIAL CAPACITY AS SECRETARY OF  
STATE OF MISSISSIPPI, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL  
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III  
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Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS STATE  
BOARD OF ELECTION COMMISSIONERS,  
TATE REEVES, IN HIS OFFICIAL CAPACITY  
AS GOVERNOR OF MISSISSIPPI, LYNN  
FITCH, IN HER OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF MISSISSIPPI, AND  
MICHAEL WATSON, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF STATE OF  
MISSISSIPPI

**CERTIFICATE OF SERVICE**

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named State Defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 23rd day of January, 2025.

s/Rex M. Shannon III  
REX M. SHANNON III